

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMOS TATE,)	
)	
Petitioner,)	Case No. 1:12-cv-110-SJM-SPB
)	
v.)	
)	
JACK DANERI,)	
)	
Respondent.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on May 1, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on July 16, 2012 [11], recommends that the Respondent's motion to dismiss the instant habeas petition [10] be granted and the Petitioner's motions for temporary injunction [8] and writ of mandamus [9] be denied. Petitioner was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at his current address of record. No objections to the Report and Recommendation have been filed.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 3rd Day of August, 2012;

IT IS ORDERED that the Respondent's motion to dismiss [10] shall be, and hereby is, GRANTED, and the instant action for habeas corpus relief shall be, and hereby is, DISMISSED.

IT IS FURTHER ORDERED that the Petitioner's motions for temporary injunction [8] and writ of mandamus [9] shall be, and hereby are, DENIED.

The Report and Recommendation of Magistrate Judge Baxter, filed on July 16, 2012 [11], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter